

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 14, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA S. LYNCH,

Defendant.

No. 1:20-cr-02021-SMJ

PROTECTIVE ORDER

Before the Court, without oral argument, is the Government's Stipulation for Protective Order Regarding Identification of Minor Victim Pursuant to 18 U.S.C. § 3509, ECF No. 17, and related motion to expedite, ECF No. 18. Having reviewed the pleadings and the file in this matter, the Court is fully informed and finds that a protective order pursuant to 18 U.S.C. § 3509 (d)(3)(B)(ii) is necessary in this case. Accordingly, the Court **GRANTS** the Government's motions and enters the following protective order:

IT IS HEREBY ORDERED, that the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case, thus;

1 IT IS FURTHER ORDERED that all persons acting in this case in a capacity
2 described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy
3 protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

4 (d) Privacy protection.

5 (1) Confidentiality of information.

6 (A) A person acting in a capacity described in
7 subparagraph (B) in connection with a criminal
8 proceeding shall—

9 (i) keep all documents that disclose the
10 name or any other information
11 concerning a child in a secure place to
12 which no person who does not have
13 reason to know their contents has access;
14 and

15 (ii) disclose documents described in clause
16 (i) or the information in them that
17 concerns a child only to persons who, by
18 reason of their participation in the
19 proceeding, have reason to know such
20 information.

(B) Subparagraph (A) applies to—

(i) all employees of the Government
connected with the case, including
employees of the Department of Justice,
any law enforcement agency involved in
the case, and any person hired by the
Government to provide assistance in the
proceeding;

(ii) employees of the court;

(iii) the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and

(iv) members of the jury.

(2) Filing under seal. All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court—

(A) the complete paper to be kept under seal; and

(B) the paper with the portions of it that disclose the name of or other information concerning a child redacted, to be placed in the public record.

IT IS FURTHER ORDERED that counsel shall remind all persons providing assistance on this case of these obligations.


IT IS FURTHER ORDERED that any alleged minor victim will be referred by a pseudonym agreed upon by counsel for the United States and the Defendant. Counsel shall be consistent in their use of the identifier selected. The parties shall prepare their witnesses and instruct them to refer to the alleged minor victims only by using the agreed pseudonyms (e.g., “Jane Doe 1,” “Jane Doe 2,” etc.), rather than their names, in opening statements and in closing arguments.

1 IT IS FURTHER ORDERED that all personal information relating to any
2 minor victim shall be precluded from public disclosure.

3 IT IS FURTHER ORDERED that the defense, including counsel for
4 Defendant, staff, investigators, and interns, is precluded from disclosing or
5 disseminating in any manner, the name or identity of any alleged victim and/or the
6 nature of the allegations, except by the alleged victim's initials or pseudonym.
7 Defendant himself may review any unredacted non-contraband discovery in the
8 presence of defense counsel or a defense investigator, but Defendant shall not keep
9 any discovery in his own possession outside the presence of defense counsel or a
10 defense investigator. Defense counsel and defense investigators shall not permit
11 Defendant to keep, copy, or record the identities of any child or victim identified in
12 discovery in this case.

13 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
14 provide copies to all counsel.

15 **DATED** this 14th day of July 2020.

16 
17 SALVADOR MENDOZA, JR.
United States District Judge